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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,110	07/11/2001	Arnaud Farizon	RCA 89215	7964
7590	07/30/2003			

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EXAMINER

MACCHIAROLO, PETER J

ART UNIT	PAPER NUMBER
	2875

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/889,110	FARIZON ET AL.
	Examiner	Art Unit
	Peter J Macchiarolo	2875

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 15 July 2003 .

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-3 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-3 is/are rejected.

7)  Claim(s) 1 and 2 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ .

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Acknowledged Receipt*

1. The reply filed July 15, 2003on consists of changes to the claims, and further, the reply consists of remarks related to the prior rejection of claims in the First Office Action. The above have been considered and entered. However, claims 1-3 are not allowable as explained below.

### *Specification*

2. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter. The instant Specification is replete with grammatical errors and unclear phrasing. An example of which can be found on page 1, lines 22-25.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 1 recites, “two end portions,” in line 10 and “a curved portion,” in line 11. They are not clearly defined in the instant Specification. The Examiner is interpreting two end portions to refer to the ends (fig 5, 63) as suggested on page 5, line 2 of the Specification, and a curved portion being between 63 and 25’as shown in figure 5.

### *Drawings*

4. Figures 2-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected

drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Objections***

5. Claims 1 and 2 are objected to because of the following informalities: The term, "the lateral skirt" lacks proper antecedent basis. The Examiner is interpreting this term to refer to "a skirt" as claimed in line 5 of claim 1. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 recites the terms "a substantially planar component," in line 9 and "apertures," in line 10. These terms render the claim indefinite, since where a claim directed to a device can be read to include the same element twice, it is considered indefinite. *Ex parte Kristensen*, USPQ2d 1701 (Bd. Pat. App. & Inter. 1989). It is not clear if the claim refers to an additional planar component or the same planar component previously claimed in line 3, and additional apertures, or the at least one aperture previously claimed in line 4. The Examiner is interpreting these terms to refer to the substantially planar component as claimed in line 3 and the at least one aperture as claimed in line 4.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Pohle (USPN 2,582,454; "Pohle").
9. In regards to claims 1-3, Pohle discloses in figures 1-3, an electron gun comprising at least one cathode (18, 19, 20) for emitting an electron beam; a dish-shaped control electrode (12, 11) with a planar part (12) and at least one aperture (16) for the passage of the electron beam, a skirt (11) which at least partially surrounds the cathode, a means for supporting the cathode (24, 26) is secured to the skirt, the substantially planar component has a center portion drilled with the at least one aperture which faces each cathode and two end portions (13), and the center portion is connected to each of the two end portions through a curved portion (17). Pohle further discloses at the skirt at least partially surrounds the cathode, and has at least two metal components (11) overlapping at least partially in such a way to tailor the length of the overlap to adjust position of the two components one with respect to the other, and the two components being shaped to one another at the points of overlap, and the two metal components each have peripheries (14) extending outward from the cathode for attaching to the end portions of the substantially planar component.
10. The Examiner notes that Pohle ultimately discloses in column 2 lines 16-26, that the grid cylinder 11 consists of multiple metal components, and therefore, the control electrode comprises

at least three separate metal components (12, 11, 11), and the lateral skirt (11, 11) consists of at least two metal components.

11. Further, Pohle discloses in column 1, lines 1-4, that the invention is intended for use in a cathode ray tube.

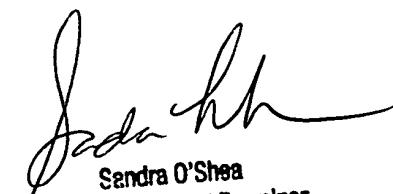
*Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (703) 305-7198. The examiner can normally be reached on 8 - 4:30, M-F.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

pjm  
July 24, 2003



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800